

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

STATE OF MAINE, *et al.*,

Plaintiffs,

v.

ANDREW WHEELER,
Acting Administrator, U.S. Environmental
Protection Agency, *et al.*,

Defendants.

Civil Action No. 1:14-cv-264-JDL

**EPA’S RESPONSE TO THE PENOBSCOT NATION’S MOTION TO FILE
COUNTERCLAIM**

Defendants Andrew Wheeler, in his official capacity as Acting Administrator of the United States Environmental Protection Agency, and Alexandra Dapolito Dunn, in her official capacity as Regional Administrator of Region I of the United States Environmental Protection Agency (collectively “EPA”), herein respond to Defendant-Intervenor the Penobscot Nation’s Motion to amend its answer to assert a counterclaim against Plaintiffs. Because the Penobscot Nation does not seek to assert any claims against EPA, and because the Penobscot Nation does not suggest that its motion to assert a counterclaim against Plaintiffs is dependent upon the Court’s eventual ruling on EPA’s motion for a voluntary remand, EPA takes no position on the motion to file a counterclaim. *See* Motion of the Penobscot Nation to File Counterclaim (ECF Doc. No. 41) at 8 (“Whatever becomes of EPA’s motion for voluntary remand . . . the Nation and Maine have a continuing controversy about a central issue involving their modern-day treaty . . .”).

Respectfully submitted,

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s/David A. Carson
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Date: September 14, 2018

CERTIFICATE OF SERVICE

It is hereby certified that all counsel of record who have consented to electronic service are being served with a copy of the foregoing EPA's Response to the Penobscot Nation's Motion for to File Counterclaim on this 14th day of September 2018. Any other counsel of record will be served by first class U.S. mail.

s/David A. Carson